



**EXEMPTION FROM FIRST LIEN MORTGAGE
LENDING ACT AND UNIFORM CONSUMER
CREDIT CODE FOR NONPROFIT ORGANIZATIONS**

State Form 54697 (8-12)

DEPARTMENT OF FINANCIAL INSTITUTIONS
30 South Meridian Street, Suite 300
Indianapolis, IN 46204

DATE RECEIVED _____

LIC ID # _____ DFI ID # _____

Due: December 31

INSTRUCTIONS – This form should be used by bona fide nonprofit organizations seeking to claim an exemption from the licensing and other requirements of the First Lien Mortgage Lending Act (“FLMA”) under IC 24-4.4-1-202(15). This form can also be used to claim the nonprofit exemption for subordinate lien lending under IC 24-4.5-1-202(15) of the Uniform Consumer Credit Code (“UCCC”). (A nonprofit organization may use a single form to claim the nonprofit exemption under both the FLMA and the UCCC.) In order to qualify for the nonprofit exemption under the FLMA and/or the UCCC, the organization must: (1) Complete the Nonprofit Organization Identifying Information and Certification on this page; **AND** (2) Supply supporting documentation to establish that the organization meets each of the seven statutory criteria of a bona fide nonprofit organization set out on the second page of this form.

NONPROFIT ORGANIZATION IDENTIFYING INFORMATION

Organization Name	
Address (<i>Number and Street</i>)	
City, State, ZIP Code	
Contact Person and Title	Organization's Website (<i>if applicable</i>)
Telephone Number	Fax Number

CERTIFICATION¹

The undersigned, being an authorized representative of the above named organization, hereby certifies that to the best of my knowledge and belief, the organization is a bona fide nonprofit organization as defined in the FLMA under IC 24-4.4-1-301(37) and/or the UCCC under IC 24-4.5-1-301.5(45) and, therefore, is exempt from the licensing and other requirements of the FLMA under IC 24-4.4-1-202(15) and/or UCCC under IC 24-4.5-1-202(15).

Supporting documentation is listed on the second page, copies of which must be attached to this form.

Signature	Title	Date (<i>month, day, year</i>)
Print or Type Name of Signatory		E-Mail Address

¹ Note that these exemptions apply to licensing as a creditor under the FLMA and UCCC. For information relating to licensing or exemptions from licensing under the Loan Brokers Act (IC 23-2-5 *et seq.*), visit the Indiana Secretary of State's website at <http://www.in.gov/sos/securities/2803.htm> or call 317-232-6681.

Checklist of Supporting Documentation

The following checklist was prepared to assist organizations in assembling supporting documentation to establish that the organization meets each of the seven criteria of a bona fide nonprofit organization as defined in IC 24-4.4-1-301(37) of the First Lien Mortgage Act and/or IC 24-4.5-1-301.5(45) of the Uniform Consumer Credit Code. The checklist below lists each of the seven statutory criteria and suggests documents, copies of which must be submitted to show that a particular item has been satisfied. These are only suggestions. Organizations may submit copies of other documents that establish the criteria have been met. Please ensure that each of the seven criteria is documented. In future years, organizations must submit this form, their most recently filed IRS Form 990, and any other documentation that has changed since the prior year's filing.

CHECK HERE	For an organization to establish it is a bona fide nonprofit organization it must show to the satisfaction of the Director that it does the following:	Suggested Documentation: (If submitting documents other than these suggested below, please list each item in the space marked "Other".)
	(a) Maintains tax exempt status under Section 501(c)(3) of the Internal Revenue Code.	IRS 501(c)(3) determination letter. Other:
	(b) Promotes affordable housing or provides home ownership education or similar services.	Narrative description of organization's activities from Form 1023 ² ; Mission statement adopted by organization's governing board, brochures, website or fundraising materials. Other:
	(c) Conducts the organization's activities in a manner that serves public or charitable purposes.	Relevant sections from the organization's Forms 1023 or 990 ³ ; annual reports to donors; newsletters, brochures, or similar documents describing the manner the organization serves its public or charitable purposes. Other:
	(d) Receives funding and revenue and charges fees in a manner that does not encourage the organization or the organization's employees to act other than in the best interests of the organization's clients.	Relevant sections Forms 1023 or 990; Fundraising program adopted by governing board; Fee policies or rate sheets. Other:
	(e) Compensates the organization's employees in a manner that does not encourage employees to act other than in the best interests of the organization's clients.	Relevant sections of Forms 1023 or 990; Compensation plan adopted by governing board. Other:
	(f) Provides to, or identifies for, debtors mortgage transactions with terms that are favorable to the debtor (as described in IC 24-4.4-1-202(b)(15) or IC 24-4.5-1-202(b)(15)) and comparable to mortgage transactions and housing assistance provided under government housing assistance programs.	Relevant sections of Forms 1023 or 990; Policies and procedures adopted by governing board; List and descriptions of products offered. Other:
	(g) Maintains certification by the United States Department of Housing and Urban Development or employs counselors certified by the Indiana Housing and Community Development Authority ("IHCD").	Letter of Approval as a HUD-approved housing counseling agency; Evidence that employees are certified by IHCD Other:

² Refers to IRS Form 1023, Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code

³ Refers to IRS Form 990, Return of Organization Exempt from Income Tax